

REMARKS

In the Office Action mailed February 10, 2006, the Examiner noted that claims 1-15 were pending, and rejected claims 1-15. Claims 1, 7, 14 and 15 have been amended, new claim 16 has been added, and, thus, in view of the forgoing claims 1-16 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

On page 2 of the Office Action the Examiner rejected claims 1-3, 5-7, 9-10, and 12-15 under 35 U.S.C. § 102 as anticipated by Tamir. Page 5 of the Office Action rejects claim 8 under 35 U.S.C. § 103 over Tamir alone. Page 5 of the Office Action rejects claims 4 and 11 under 35 U.S.C. § 103 over Tamir and Katayama.

The present invention is designed to allow a user to easily select and playback video segments or time slices of plural video streams. The system (see figures 8 and 13 and page 36, line 4- page 37, line 3) divides plural video streams into continuous video segments about a subject, such as a baseball player seen at bat from home plate, first base and the outfield, based on segmentation information that indicates a time slice to capture. Retrieval data is also provided that indicates an attribute of the subject. When the segments are captured, they are converted into animation files. The retrieval data is associated with the animation files. The animation files and the corresponding retrieval data are stored in a database. When the retrieval data is selected as a retrieval condition, the animation files corresponding to the retrieval condition is retrieved and displayed.

Tamir discusses a frame grabber that grabs video frames and digitizes them. An object in the video can be tracked. The tracked object is highlighted in each of the digitized frames. The digitized frames, with the highlighted/tracked object, are then converted back into a standard video frame format and displayed on a video monitor. The standard video frame format segments thus highlighted can be indexed based on user selection criteria.

Tamir teaches nothing about (see claim 1) inputting segmentation information and retrieval data where the segmentation information indicates a time slice of a subject in a video with several video streams and the retrieval data indicates an attribute of the subject, converting the multiple video stream segments into an animation files according to the segmentation information and associating the animation files with the retrieval data, storing the animation files and the retrieval data, and when any of the retrieval data is selected as retrieval condition, outputting and displaying the animation files associated with the retrieval condition.

Katayama adds nothing to Tamir with respect to the above-discussed features.

Claims 7, 14 and 15 emphasize similar features distinguishing over the prior art.

It is submitted that the invention of the independent claims distinguishes over the prior art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, dependent claim 8 emphasizes that the different streams are captured at the same time and are from different viewpoints. The prior art does not teach or suggest that different streams of a subject can be captured at the same time, converted into animation files, correlated with subject attribute and stored, and the multiple animation segments retrieved when the information is used as a retrieval condition. Claim 8 stands rejected as obvious over Tamir. The Examiner is reminded that to support a finding of obviousness based on a single reference, the single reference must suggest the desirability of modifying its disclosure as needed to accomplish the invention (see In re Gordon, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed.Cir.1984), Schneck v. Gordon, 713 F.2d 782, 218 U.S.P.Q. 699 (Fed.Cir.1984) and Cooper v. Ford, 748 F.2d 677, 223 U.S.P.Q. 1286 (Fed.Cir.1984)). Tamir provides no such suggestion of desirability or of the needed modification and the Examiner is requested to point to a specific part of Tamir that does. It is submitted that the dependent claims are independently patentable over the prior art.

The Examiner particularly asserted that the feature of claim 8 is well known and took Official Notice stating that it is well known to utilize plural pieces of continuous picture data different from each other and obtained by capturing a subject from plural directions so as to provide the viewer multidimensional information thereby enhancing the viewing enjoyment. The Applicant respectfully traverses the Examiner's statement and demands the Examiner produce authority for the statement. The Applicant specifically points out the following errors in the Examiner's action. First, the Examiner improperly uses common knowledge as the principal evidence for the rejection. As explained in M.P.E.P. § 2144.03(E):

any facts so noticed should . . . serve only to 'fill in the gaps' in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the feature is submitted to be not of notorious character or capable of instant and

unquestionable demonstration as being well-known. Where in the prior art of video is a viewer, say a TV viewer, provided with multidimensional information. Instead, this feature is unique to the present claimed invention. See M.P.E.P. § 2144.03(A) ("the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute"). Third, there is no evidence supporting the Examiner's assertion. See M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge"). Fourth, it appears that the Examiner also bases the rejection, at least in part, on personal knowledge. The Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such an assertion with an affidavit when called for by the Applicant. Thus, Applicant calls upon the Examiner to support such assertion with an affidavit.

New claim 16 emphasizes capturing the same time segment of plural video streams of a subject, associating an attribute of the subject with the streams, converting the time segments into corresponding animation files associated with the attribute and storing them, retrieving and displaying the animation files when the attribute is used as a retrieval condition. Tamir and Katayama do not teach or suggest such. It is submitted that this new claims, which is not narrower and different from the prior filed claims, distinguishes over the prior art.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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